IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11763 of 2004

Between:

Ch.Seetharamaiah S/o.Late Kameswara Rao,aged 57 years,
Occ: Panchayat Secretary, Chintalapalem Gram Panchayat,Kothavalasa Mandal, Visakhapatnam District.

..... PETITIONER

AND

1. The District Collector, Panchayats, Visakhapatnam District at Visakhapatnam.
2 Mandal Parishad Development Officer, Kothavalasa Mandal, Visakhapatnam District.
3 Mandal Revenue Officer, Kothavalasa Mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of Mandamus, declaring the action of the A.P.Administrative Tribunal, Hyderabad in not passing any interim order in O.A.No.3212/2004 as well as the order of the 1st respondent dated 13.2.2004 and the consequential order of the 2nd respondent dated 21.5.2004 transferring the petitioner from Chintalapalem Gram Pachayat of Kothavalasa Mandal to Obalayyapalem Gram Panchayat of Vepada Mandal, and set aside the same as illegal, arbitrary and being violative of Articles 14,16 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.M.PRASADA RAO

Counsel for the Respondents : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER: (per The Hon'ble Sri Justice J.Chelameswar)

The writ petition is filed complaining that the learned

A.P.Administrative Tribunal had not passed any orders on the petitioner's application for interim relief in O.A.No.3212 of 2004, directed against the order of the first respondent herein dated 13.02.2004 transferring the petitioner from Chintalapalem village of Kothavalasa Mandal to Obalayyapalem Gram Panchayat of Vepada Mandal. The learned counsel for petitioner states that the distance between the two Gram Panchayats is about 30 kilometres.

2. Whether to grant interim order or not, is normally within the discretion of the adjudicating authority i.e., the A.P.Administrative Tribunal. The settled principle of law is that in the cases of transfer of the employees of the State, on the grounds of administrative requirements, the interference of the judicial bodies is not normally called for. Nothing is brought to the notice of this Court, which calls for the exercise of its discretionary jurisdiction under Article 226 of the Constitution and grant relief as prayed for.

3. The writ petition is misconceived and accordingly dismissed. No costs.

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J.Chelameswar,J

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G.Raghuram,J.

Dated 21st July,2004.

Bsb

To

1. The District Collector, Panchayats,
   Visakhapatnam District at Visakhapatnam.
2. The Mandal Parishad Development Officer,
Kothavalasa Mandal, Visakhapatnam District.
3. The Mandal Revenue Officer,
   Kothavalasa Mandal, Visakhapatnam District.
4. The Registrar, A.P. Administrative Tribunal, Hyderabad.
5. Two CCs to the Government Pleader for Panchayat Raj and Rural
   Development, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.